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The Relation between Public and Private Policing

ABSTRACT

Employment by private policing agencies equals or exceeds public police employment in many countries. Reigning conceptions of relations between public police and private policing have changed markedly. A state-centered view of police functions disparaged "private armies" and saw order maintenance as a quintessential function of government. In recent decades, a laissez-faire view has emerged that celebrates "private-public partnerships" and sees private policing as an industry providing both a service and a public benefit. Social theorists question the wisdom and the likely future directions of the privatization of order maintenance.

This essay examines the nature, characteristics, and scope of private policing through a consideration of its relation to public policing. It identifies three conceptions of the relation between public and private policing that have not only described but constituted this interaction. The main focus is on North America, where most of the research and writing on private policing has been undertaken, though some allusion is made to developments in Europe.

The first task is to define private and public policing. Policing, as the term is used here, refers to the preservation of the peace, that is, to the maintenance of a way of doing things where persons and property are free from unwarranted interference so that people may go

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about their business safely. This meaning is evident in the old English word "frith," from which the term "peace" is derived (Keeton 1975, pp. 3–4). The *Oxford English Dictionary* (1989, p. 33) defines frith as "freedom from molestation" and as "security." Just what constitutes security varies across societies, and it is this variation that gives "peace" substantive meaning. As Spitzer (1987, p. 48) observes, citing Gore, "Security always implies the preservation of 'an established order against whatever seems to threaten, disturb or endanger it from without or from within.' " What threatens, disturbs, or endangers depends on the nature of this established order.

In defining policing in terms of peace, I am attempting to avoid the problems of two alternative approaches. First, I am responding to criticism of the very restrictive use of the term to refer to the activities of the public police (Cain 1979). Second, in distinguishing peace from order and policing from ordering, I am taking a stance against my own efforts (Shearing and Stenning 1981) to rectify this deficiency by calling on earlier historical usages that equate policing with governance (Andrew 1989).[1]

In restricting the definition of policing to security, I am seeking to recognize the significance of peace as a "foundation order" on which other orders—for instance, the order of financial markets—depend and policing as an activity that seeks to maintain this foundation.[2] My objective is to salvage the link between policing and crime fighting that the equation of policing with the public police recognizes without being trapped by the institutional limits of this definition.[3]

[1] Stenning (1981, p. 10) provides the following example of such an expanded historical usage in a passage cited from the New Municipal Manual of Upper Canada, 1859: "The word 'police' is generally applied to the internal regulation of Cities and Towns, whereby the individuals of any City or Town, like members of a well governed family, are bound to conform their general behaviour to the rules of propriety, good neighborhood, and good manners, and to be decent, industrious and inoffensive in their respective situations."

[2] This conception of peace as a foundation order is identified by Hobbes (1968, p. 186), who describes a state of affairs without freedom from molestation as follows: "In such condition, there is no place for Industry; because the fruit thereof is uncertain; and consequently no Culture of the Earth; no Navigation, nor use of the commodities that may be imported from the Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continual feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish and short."

[3] It is possible to limit the definition of "policing" further in ways that are consistent with an even more restrictive usage, for example, by limiting policing to activities undertaken to respond to *breaches* of the peace in contrast to activities designed to produce or

The expression "peace," from its earliest uses, has referred to more than simply the presence of protection. It also denotes a prediction that this protection will persist over time. Peace refers to a reduction of, or absence of, risk.[4] Thus, Hobbes (1968, p. 186) argued that peace was not simply the absence of war but absence of the threat of war. As Spitzer (1987, p. 47) correctly notes, "Security is said to exist when something *does not* occur rather than when it does. Security in the more restricted sense in which it is used here [i.e., as peace] exists when stores are not robbed, pedestrians are not molested, computer codes not broken, and executives and their families are able to enjoy life free from threats, assassinations or kidnapping."

Such a state of affairs typically requires design and effort. It requires a strategy in Foucault's sense of structured, coordinated practices (Garland 1990, p. 137). Peace is seldom something that simply happens; it requires an *assurance* of security.[5] For example, the Canadian Charter of Rights and Freedoms, in setting out the terms of the Canadian peace, claims that the rights and freedoms it enunciates are "guaranteed." Thus, policing, understood as the preservation of the peace, refers to activities through which an assurance or guarantee is realized or, more accurately, to activities intended to promote such realization.[6]

This idea of a *guarantee* can be traced to another Old English word closely associated with frith, namely, grith (Keeton 1975, pp. 3–4). "Grith" is defined in the *Oxford English Dictionary* (1989, p. 858) as "guaranteed security, protection, defense; safe-conduct." The related

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create peace, an activity captured by the term "regulation" (Metnick 1980). Although a definition of "policing" as responses to breaches of the peace has certain analytic advantages, these are outweighed by the requirement of having to find another term to refer to "preserving the peace." What is important analytically is that these various distinctions are made. The terminological challenge is to develop a nomenclature that explicitly separates meanings that common usage distinguishes implicitly ("policing" in common usage is read differently depending on the context within which it is used) while at the same time respecting the central features of this usage.

[4] This idea of freedom from worry is captured as Spitzer (1987, p. 44) notes by the term "security." The *Oxford English Dictionary* defines the condition of security in terms of protection from danger; safety; and freedom from doubt, care, anxiety, or apprehension. To be secure is to be assured, confident, and safe.

[5] Herein lies the answer to Spitzer's (1987, p. 44) query as to how it is that "security" can become a "commodity that can be purchased in the market-place?" What is purchased is the protection of a guarantor.

[6] Spitzer (1987, p. 43) cites Marx's comments on the French constitution of 1793 as follows: "*Security* is the supreme social concept of civil society, the concept of the *police*, the concept that the whole society exists only to guarantee to each of its members the preservation of his person, his rights, and his property. . . . Civil society does not raise itself above its egoism through the concept of security. Rather, security is the *guarantee* of the egoism."

term "hand-grith" is defined as "protection under the king's hand" (p. 858) and a "grith-breach" as a "breach of the peace" (p. 858). The notion of grith recognizes that protection or sanctuary was not only guaranteed by the king (Rock 1983). There were other griths as well, for example, "church-grith." In my use of the term "peace" I want explicitly to recognize both an assurance of protection and that there may be multiple guarantees and guarantors of peace.

Ever since the social world has been constituted through a political consciousness that recognized a public and a private sphere (Hobbes 1968, p. 264; Mnookin 1982; Rose 1987), policing has had a public and a private face.[7] This is so because the entities that have had the will and capacity to offer credible guarantees of peace have been located within both these spheres. Over time one of these entities, the nation-state, has obtained supremacy over the definition of both these spheres. It has defined itself as the ultimate guarantor of order within the territorial boundaries defined by the network of states (Giddens 1987).[8] States, in seeking to realize their claims to supremacy, have sought to set limits on what private entities can do to preserve peace.

States that recognize a private sphere, such as liberal democratic states, typically have not distinguished between corporations and individuals in setting these limits. Nonetheless, the variations in capacity that frequently differentiate them have meant that it is corporate entities rather than individuals who, by and large, have been in a position to act to preserve the peace (Spitzer and Scull 1977: Critchley 1978; Rock 1983). Thus, in practice, private peacekeeping has been largely a corporate matter (for exceptions, see Radzinowicz 1948, p. 205).

These corporate entities have varied considerably. There have been voluntary associations such as the seventeenth- and eighteenth-century societies for the "prosecution of felons" (Radzinowicz 1948, p. 102; Shubert 1981). Their contemporary counterparts are groups like the Guardian Angels who have attempted to establish themselves as guar-

[7] During the period prior to the nineteenth century, as both Rock (1983) and Robert (1988) suggest, while a private/public distinction was used, it was not associated as closely with the state/civil distinction as it is today, so that what one finds are arrangements that one would, from a contemporary vantage point, think of as semiprivate and semipublic.

[8] The emergence of the state as an entity able to establish its peace as supreme was an uneven and contested process. As recently as the seventeenth and eighteenth centuries England was full of competing peaces and alternative sanctuaries, some legitimate and some illegitimate. As a result, the "boundaries between private licence and public regulation were highly fluid" (Rock 1983, p. 197). Rock cites Rudé as stating that Westminster's government was "for many years a jungle of rival jurisdictions" (1983, p. 208).

antors of peace in a number of American cities, especially in places such as the New York subway system. By contrast, there have been business corporations, including the huge private trading companies like the Dutch and English East India Companies (*Encyclopedia Britannica* 1972, 7:793, 877) and the Hudson's Bay Company (Phillips 1991), as well as contemporary corporations that act to preserve the peace within their domains (South 1988). This corporate predominance does not mean that individuals have not engaged in policing. They have done so, however, principally as the agents of corporate entities—both public (state) and private—rather than as guarantors of the peace in their own right.

This essay attempts to account for the evolution of private policing by developing and illustrating three alternate conceptions—state centered, laissez-faire, and pluralist—of its character and function. Section I offers a brief history of state-centered policing and shows how the use of force was conceived as a state monopoly. Section II examines the origins of private policing; while Section III explores policing from a pluralist perspective. Conclusions are offered in Section IV. They offer caution concerning the effects of blurring of distinction between public and private policing in the "postmodernist" age.

I. State-centered Policing

The creation of the "new police" in London in 1829 is regarded as a symbolic turning point in a gradual but steady transfer of responsibility for policing from private to public hands. Conventional histories of the development of the "new police" depict this assertion of state control over policing as a series of progressive improvements in which private assurances of peace were replaced by public responsibility for peacekeeping (Reiner 1985).

In this state-centered view private policing is presented as a precursor of modern public policing brought about by the absence of a state that was strong enough to provide credible assurances of peace. Thus, as Rock (1983, p. 199) observes, "When the state could guarantee neither physical security nor legal control, effective government passed in large measure to those who were independently powerful." In documenting the problems with private guarantors and private arrangements for maintaining the peace, these histories have identified a host of problematic private initiatives. Examples include corrupt fee-for-service organizations like the Bow Street Runners of London whose "blood money" only the wealthy could afford and scoundrels like the

"thief taker" Jonathan Wilde who became wealthy on the fees he obtained for returning goods from crimes for which he was responsible (Radzinowicz 1948; Critchley 1978; Rock 1983; South 1987).

These histories, written from the vantage point of a historical period that accepted the nation-state as the most appropriate location of responsibility for policing (Reiner 1985), trace the emergence of strong states through a slow, irregular process (Rock 1983). This historical understanding of the emergence of modern public policing as the most satisfactory form of policing both expressed and contributed to the creation of a state-centered political consciousness that was suspicious of private peacekeeping and hostile toward it (Rock 1983). Nedelsky (1983, p. 1) summarizes this political consciousness within the United States: "Modern America is characterized by the expanding scope of state power. More and more areas of life once left to the 'private' ordering of individual choice are now considered properly matters of collective control, regulation, and amelioration."

The operation of this consciousness in the United States is evident in the "political spectacles" (Edelman 1988) that took place during the early twentieth century over the continuing presence of private policing as a feature of American life. Among the most dramatic of these, in terms of the rhetorical language employed, were the deliberations of Senate and Congressional committees established in response to criticism of the policing practices of railroad and mining companies, especially in their dealings with labor (Weiss 1979).[9] The concern was that these companies were maintaining private peaces that favored the protection of their assets at the expense of their employees' security and property. These government reports, which constitute a significant part of the American historical record of private policing and its relationship to public policing in the late nineteenth century and the first half of this century, both expressed and constituted a political consciousness that identified and railed against the dangers of private, and especially corporate, policing.

While this consciousness has now begun to lose its grip, its shadow has been long, and it has not readily given way to alternative ways of

[9] The history of spectacular events and accounts of private policing in the United States goes back to the 1870s. One of the most notorious incidents was the 1892 Carnegie Steel Company strike at its Homestead Work in which the Pinkerton contract policing organization was involved in what came to be known as the Homestead Massacre. This incident was the "subject of a House Judiciary subcommittee investigation, which question the propriety of law enforcement by hired police" (O'Toole 1978, p. 27; see also Lipson 1988, p. 19).

seeing policing. As this perspective provides the backdrop against which alternative conceptions are articulated, and as it continues to be taken for granted in many discussions of peacekeeping, especially legal ones (Mewett 1988, p. 16), it is important to understand both its premises and arguments.

The Senate and Congressional reports told a story of railroad and mining corporations that, with the aid of "mercenaries" like the Pinkerton National Detective Agency, sought to promote an order that was at odds with the public peace and the public interest. These reports were particularly critical of the corporations' use of force to establish and maintain an order that promoted their private interests. The committees insisted that only the state was in a position to promote the public interest. They described the activities of the railroad and mining company police as the actions of aggressive "private armies" that were undermining the public peace and challenging the American state. The term "private police" was deliberately employed as an oxymoron to emphasize that corporations in the United States were acting inappropriately as "private governments" (Macauley 1986). It was asserted that policing within a modern state was fundamentally a responsibility of public government. Policing was presented, in essentially Weberian terms, as ultimately dependent on the use of force as a resource. This resource, it was argued, should be monopolized by public government and accordingly should be used only under state authorization and control.

An excerpt from the 1939 report of the United States' Senate Committee on Education and Labor entitled "On Private Police Systems"—part of a series of reports under the general rubric of "Violations of Free Speech and Rights of Labor"—illustrates the outraged governmental response to the activities of these industrial "shock troops" and their "bloodstained history":

> Private police systems cannot be viewed as agencies of law and order. . . . When the armed forces of the employer are injected into the delicate relations of labor and management, the consequences seriously threaten the civil rights of citizens and the peace and safety of whole communities. . . . The subjugation of one group of citizens to the economic interests of another by the use of armed forces saps the very foundation of democracy. . . . The utilization of privately paid armed forces to coerce and intimidate citizens in the pursuit of their legitimate interests is

> foreign to the spirit of free American society. [United States Committee on Education and Labor 1971, pp. 2–4]

The committee argued that private police existed in the United States in large numbers as partisan forces that threatened the public interest and the state. Private police were a salient reminder of the importance of sustaining a strong state with a monopoly over the use of coercive force in the maintenance of order. The nature of the relationship between private and public policing was clear; while the public police acted in the public interest, private police acted for private interests that were often, if not always, at odds with the public interest.

The ultimate reason for the existence of these partisan institutions was placed firmly at the door of the state in the same way that conventional British histories had analyzed private policing (Critchley 1978). Private police existed in America because public governments were unable to fulfill their responsibilities to protect their citizens. This created a vacuum that private corporate entities filled—indeed were compelled to fill—by acting as private governments (Shearing and Stenning 1981, pp. 226–27). The opening paragraph of the Senate report articulates this way of seeing policing and establishes the context for the analysis to follow:

> Company police systems have a long history, closely related to the geographic expansion and industrial development of the United States. In pioneer days, when local, State, and Territorial governments were still in the early stages of development, property owners were understood to protect their own domain, individually, or through hired hands. Private police became necessary when policing requirements of property owners to protect their property against thievery and vandalism exceeded the limits of coverage offered by the public police. Railroads, for instance, with large amounts of rolling stock and extensive properties and rights-of-way in open and unprotected country, had to develop the special services needed by them. Similarly, the protection of remote and extensive properties, such as those of mining and lumber enterprises, had to be furnished by the owners. [United States Committee on Education and Labor 1971, p. 2]

In other words, the use of force, which should be a capacity exclusive to the state and used by it to promote the public interest, was

extended beyond its proper domain to become a tool of economic competition. "In carrying out even the essential functions of protecting life and property, a private police system is created to defend the interests of the employer, whether an individual or a corporation. Only incidentally does it exercise the nonpartisan function of guardian of the law. Whenever private police expand their activities beyond the protection of life and property they act only as an instrumentality of private economic policy. Thereupon the differences between public and private police systems become particularly significant" (United States Committee on Education and Labor 1971, p. 2). Private entities did not have a right to guarantee peace within their domains because they would not, and as a matter of fact did not, do so in the "public interest."

The solution was obvious. The state should ensure that its police were capable of delivering the assurances of protection that citizens, including corporate citizens, required. There was no room in the modern, postfeudal state for private governance. Wherever private policing was found, it should be replaced with public policing. If there was to be any role for private agents, it was not as police sustaining a private conception of the peace. The only acceptable roles for them were as guards who assisted private entities in a very limited way to protect life and property as an expression of self-defense or self-help.

This distinction between legitimate self-defense and illegitimate private armies has its roots in the public/private dichotomy central to the liberal understanding of governance as located exclusively in the public sphere. Within this view of corporations, while they should not be permitted to govern—that is, to define and keep the peace—they have the same right as any other "individual" to act within the bounds of the private sphere. To remove the possibility of self-protection entirely would be to deny any limit on state power by repudiating a private sphere of individual autonomy. Nedelsky (1989, pp. 15–16) is instructive: "Our political tradition has virtually identified freedom and autonomy with the private sphere, and posed them in opposition to the public sphere of state power. The idea of a boundary between these spheres, a line dividing individual autonomy from the legitimate scope of state power, has been central to the American conceptions of freedom and limited government." Permitting corporations to act as private governments who defined and maintained a peace allowed the private sphere too much autonomy; yet the other extreme of eliminating the possibility of private "watchmen" would destroy the limits on governmental power so critical to the liberal conception of the state.

The understanding of policing as legitimate in its public manifestation and dangerous in its private one promoted a politics of policing as a state monopoly. This politics was so successful that by the middle of this century private policing was considered an anachronistic institution that had withered away in response to the growth of the "new police." Policing was now simply assumed to be public, and this assumption guided research which set about defining the nature, characteristics, and scope of the phenomenon (Cain 1979). Questions about private police and about the relationship between public and private policing simply did not arise. For example, the United States President's Commission on Law Enforcement and Administration of Justice neither acknowledged private policing nor considered how it might contribute to the "war against crime" (President's Commission on Law Enforcement and Administration of Justice 1967*a*, 1967*b*).

This view of policing as public was shared by researchers on both sides of the political spectrum. Despite a variety of disagreements about the nature of policy, they agreed that modern policing meant state policing and this, in turn, did and should mean state use of force to preserve the peace (Bittner 1970). Thus, while Marxist scholars were critical of claims that the state used its access to force to promote a general good, they shared the liberal view of policing as a state monopoly and its assessment of private government's inability to police in a nonpartisan fashion.

II. The Emergence of a Laissez-Faire Conception

We now know that during the 1960s, while scholars and policymakers were operating within a framework that recognized only public policing, the structure of policing was experiencing a "quiet revolution." The private provision of protection was expanding exponentially, after what appears to have been a period of decline in response to hostility toward private police in the early part of this century (Weiss 1987*a*, p. 110).

Figures published in the 1970s and 1980s indicated that the number of employees of private firms in the United States who provided policing on a fee-for-service basis (contract security) doubled during the 1960s; the yearly growth rate was 7.4 percent. This was nearly twice the annual growth rate of the public police that, at 4.2 percent, was itself considerable (Shearing and Stenning 1981, p. 199). Figures for the United Kingdom for the 1970s were not as large, though the pro-

portions were even more striking. Public police strength increased at a yearly rate of 1.6 percent while contract security numbers increased at a rate of 4.2 percent (Shearing and Stenning 1981, p. 203). By 1975 the ratio of public to private police (in-house and contract) was 0.9:1 in the United States (Shearing and Stenning 1983, p. 495), a proportion that by the mid-1980s was reported to have increased to 1:2 (Cunningham and Taylor 1985, p. 112) and 1.1:1 in Canada (Shearing and Stenning 1983, p. 495). In the United Kingdom the comparable proportion in 1978 was 1.09:1 (Shearing and Stenning 1981, p. 203). While serious questions can be raised about the accuracy of the precise proportions and numbers, these figures leave no doubt that private police by the 1970s accounted for a significant part of all police and that the contract policing industry had grown rapidly. Estimates of growth have now begun to appear for Europe. While these statistics are not as dramatic, they have prompted concern about and interest in private policing (see Laitinen [1987] on Finland; Robert [1988] on France; Rosenthal and Hoogenboom [1988] on Holland; and Van Outrive [1987] on Belgium).

In the early 1970s research drawing attention to the existence of private policing emerged in both Britain and the United States (Braun and Lee 1971; Peel 1971; Scott and McPherson 1971; Kakalik and Wildhorn 1972; Wiles and McClintock 1972). These studies challenged the taken-for-granted assumption of the 1950s and 1960s that contemporary policing was exclusively state policing and argued that private policing was an important contemporary phenomenon that needed to be recognized and understood.

American governments at both state and the federal levels were the first to address these questions. An examination of private policing by the RAND Corporation, commissioned by the U.S. Department of Justice, was at the forefront (Kakalik and Wildhorn 1972). This wide-ranging study not only described the extent, scope, and nature of private policing and its relations to the public police but developed an influential policy stance that directly challenged the earlier conception of corporate police as "private armies." In retrospect, RAND's report can be identified as one of the earliest indications of the shift in political consciousness that has promoted the privatization of a whole range of services previously seen as fundamentally public (Weiss 1987*b*; McConville 1988; Matthews 1989; Ryan and Ward 1989; see also Hoogenboom's [1987] discussion of the Dutch government's 1985 privatization policy). If policing—a quintessentially public service ac-

cording to the state-centered view—could be privatized, then so could other public services.

RAND not only argued that private policing was alive and well and to be found all over the United States but also that private policing, especially contract security, was an "industry" providing a "service." The image of private policing as private armies challenging state authority was replaced with one of private policing as just another industry providing services to the public. Policing was constructed as a commodity that could be as effectively provided by private enterprise as by the state. RAND's report thus transformed the issue of public or private policing from a question of politics and sovereignty to be responded to in absolute terms to a matter of economics and efficiency to be addressed in terms of balance, proportion, and degree (Landes and Posner 1975; Kraakman 1986). In other words, the issue of the relationship between public and private policing became essentially a question of the most efficient way to provide policing services.

RAND was clearly not unaware of the concerns and reform initiatives of the state-centered view of policing. However, Kakalik and Wildhorn (1972), the authors of the RAND report, established their position by shifting the terms of the debate rather than by confronting the premises of the state-centered view directly. They concluded that the emergence of private policing in the United States was not a cause for alarm since it did not threaten the state's claims to monopoly over the definition of the peace. This position was validated by recourse to the earlier acceptance of the notion of legitimate self-help (Becker 1974) to argue that private policing, as a service, involved primarily the employment of agents to undertake tasks of self-defense. By characterizing private policing in this way, Kakalik and Wildhorn made clear that the industry did not pose a challenge to the state. Private police, it was argued, were inoffensive people employed in simple preventive activities necessary for self-defense that the public police had neither the resources nor the inclination to undertake. "The major functions of private guards are to prevent, detect, and report criminal acts on private property, to provide security against loss from fire or equipment failure, to control access to private property, and to enforce rules and regulations of private employers" (Kakalik and Wildhorn 1972, 1:19).

The rapid development of contract security meant only that self-defense, which had for some time been provided privately (and legitimately) on an in-house basis, was now available from a developing service industry no different in principle from any other service indus-

try. What was changing was not the division of labor between public and private police but the distribution of policing within the private sector. While the state should be apprised of this development and regulate it to ensure that the public interest was not undermined, it was not a matter for concern. Modern private policing was merely a manifestation of the policy of permitting self-defense that the congressional committees had established. Far from being a threat, contemporary private policing was a distinct asset. It was an industry making a useful contribution to the American economy at the same time as it relieved taxpayers of costs they would have to bear if the state were to undertake these tasks.[10]

This transformation of private policing from a threat to an asset was accomplished by conceptualizing private police as junior partners in the business of policing, who were working to assist their senior partners, the public police, in keeping the peace (Shearing and Stenning 1981, p. 220). This interpretation of private policing was accomplished by simultaneously blurring the line between "self-defense" and peacekeeping while mobilizing it to argue that private police were doing no more than engaging in self-defense writ large. The public peace included the protection of corporate property and the protection of corporate customers and staff. If corporations were willing to contribute to this as part of their own self-defense, this was all to the good. RAND made clear that this junior/senior partner scenario was not simply a desirable possibility but already an actuality. American policing, in practice, was a mix of public and private police.

In the mid-1980s the U.S. Department of Justice published a major follow-up study to the RAND report prepared by the Hallcrest Corporation (Cunningham and Taylor 1985). Hallcrest was hired both to assess developments in the decade since RAND reported and to suggest ways in which cooperation between public and private police could be improved through a more complete and effective employment of what was identified as a "massive and under-utilized resource" (Cun-

[10] Weiss (1987*a*, pp. 272–73) describes the sensibility, that Hallcrest both expressed and contributed to, as follows: "In contrast to liberals and traditional conservatives alike, neo-conservatives do not adhere to the philosophical separation between government and business. . . . In a complete reversal of conservative position on policy, government programmes that were once considered a drain on business (because the tax funds could have been better used for capital investment) are now valued as a new market, where entrepreneurs can turn administrative costs into potentially large profits. They argue that the private sector is not only less expensive, but more effective in service delivery. This same argument is currently being applied to criminal justice."

ningham and Taylor 1985). Hallcrest's mandate was thus to advance the reform agenda RAND had initiated. In doing so it accepted and worked within the framework RAND had established in which policing was seen as a commodity and private policing as an important American industry. Its review of the decade since the RAND report took the form of an economic analysis that considered the various aspects of private policing as an industry. Cunningham and Taylor, the Hallcrest consultants responsible for the study, summarized their findings with respect to this industry as follows:

> The popular perception of private security as a fast growing industry is certainly supported by analysis of the available data sources. By 1985 Americans will easily spend $20 billion per year for products and services to protect themselves—more than they'll spend to support all enforcement agencies (federal, state, local) in the U.S. Private security, in the aggregate, is big business—from the one-person private investigators and entrepreneurial alarm installers all the way to multi-national companies. Both large and small firms have been able to successfully carve their own niche out of an ever-expanding marketplace. Continuing technological innovations and product development, crime and fear of crime, and strained public resources will all contribute to sustained and dynamic growth of this important segment of the economy. Private security clearly plays a major protective role in the life of the Nation. [1985, p. 163]

For Hallcrest, much more than for RAND, policing was a "product" and "private policing" was an industry in the business of "servicing" crime and the fear of crime. Cunningham and Taylor sought to cement and extend this conception of policing, as well as the support it generated for the advancement of privatization, in three ways. First, they expanded RAND's idea that public and private police were partners in peacekeeping; second, they responded to concerns raised within the academic literature about the implications of private policing for civil liberties (South 1988); and third, they responded to public police resistance to private policing (Draper 1978, pp. 155–66; Shearing, Stenning, and Addario 1985*a*).

Cunningham and Taylor expanded on RAND's notion of policing partnerships through a series of interrelated conceptual initiatives. First, they shifted the focus of attention from private policing as self-defense and protection to private policing as crime fighting. This idea

was developed by elaborating on RAND's argument that there was little difference in practice between what public and private police did. In support of this they cited favorably Scott and McPherson's (1971, pp. 273–74) claim that the activities of private police were "virtually identical in many respects to those carried out by the public police." However, while this observation had been made by Scott and McPherson in the pre-RAND era to raise concerns about the development of private policing, it was now mobilized, in the post-RAND era, as evidence in favor of promoting privatization. The claim that private police were undertaking the same tasks as the public police to the same ends was used to move from a junior partner to an equal partner conception of private policing's relationship to public police.

This reconception was in turn employed to argue for a policy of enhanced public-private police cooperation that would accelerate the process of privatization RAND had reported and legitimized. The authors did so by advocating "the utilization of their respective talents and resources in a complementary and coordinated attack on crime . . . to maximize protection of American communities" (Cunningham and Taylor 1985, p. 5). The imagery of private armies was now completely silenced and replaced by a call for private-public coordination of crime-fighting efforts in pursuit of the shared value of protection. In addition to greater use of private policing in crime fighting, Hallcrest recommended increased information sharing and interchange of personnel and experience.

In taking this position, Cunningham and Taylor responded to the disquiet of academic researchers, both pre- and post-RAND, about the implications for individual liberties posed by the growth and acceptance of private policing. This literature drew attention to the way in which the very "institutions of privacy" (Stinchcombe 1963) that protected individuals from state-initiated intrusions not only granted corporate entities a sphere of autonomous action but legitimized their intrusions on the privacy of individuals (Flavel 1973, p. 14; Shearing and Stenning 1982, pp. 41–44; Reiss 1987, p. 25).[11] The literature also

[11] In developing this point Shearing and Stenning (1982, p. 15) write: "Corporate orders are defended on the grounds that corporations, like any other 'persons,' have a right to a sphere of private authority over which they have undisturbed jurisdiction. Furthermore, this right is sacrosanct, for to encroach upon it would undermine the very freedoms that are definitive of liberal democracy. The irony is that it is the liberal frame itself . . . that has legitimated the development of huge multinational corporations into powerful private authorities whose very existence, and activity, mock the liberal frame."

adverted to the violations of privacy that resulted from exchanges of information between public and private police agencies (O'Toole 1978; Rule et al. 1980; Shearing and Stenning 1982, pp. 12–15; Marx 1987).[12]

Cunningham and Taylor did not interpret these concerns as requiring a bar to privatization but rather as technical problems to be overcome. The position was that regulatory controls needed to be enhanced through both legislative provisions and self- and market regulation (South 1989, pp. 97–100). In responding to civil liberties concerns, Cunningham and Taylor (1985) employed the analyses of scholars who had raised questions about the implications of privatization to support their own position in favor of increased privatization. One example is their use of Scott and McPherson (1971) just noted; another is their mobilization of Shearing and Stenning's analysis of the difficulties of regulating private policing. "We concur with Shearing and Stenning (in their extensive study of governmental regulation in Canada) that effective control and upgrading of private security will occur only when the industry and government cease to rely almost exclusively on legal mechanisms. Shearing and Stenning call for 'careful and selective use' of legislation in conjunction with control mechanisms which can be exerted by three major groups that are in the best position to exercise influence over the nature and operation of private security: the industry itself, clients, and the general public as employers and consumers" (1985, p. 230).

Cunningham and Taylor adopted a three-pronged response to public police resistance to enhanced public-private police cooperation. First, they used Shearing and Stenning's criticism of the "vacuum theory" argument that private policing was a makeshift response to inadequate state response to keeping the peace to assert that private policing was not a result of the underfunding of the public police:

> Shearing and Stenning (1981) correlate the growth of private security with "shifts in property relationships." Whenever one finds a shift in property relationships towards large geographically connected holdings of mass private property one also finds a shift towards private policing initiatives. The private streets and enclosed areas of large industrial, commercial, and residential

[12] The issue of information sharing draws attention to the exchange of personnel between public and private policing. There is a long history of public police officers moving into private policing as a second career (O'Toole 1978, p. 121; Shearing, Farnell, and Stenning 1980; Marx 1987).

> developments tend to be protected privately whereas public areas are protected by public police. Shearing and Stenning call this a "new corporate feudalism" which has shifted protective resources from the public to the private sector. Thus, the "fiscal crisis of the state" and declining police resources have resulted from this shift; they did not cause it. [1985, p. 171]

If private policing was the result of structural change in the organization of contemporary society, it was pointless for the public police to resist it.

Second, they identified the source of this resistance as the partisan interests of the public police, which were undermining the ability of communities to respond to crime. They argued that much of the resistance to private policing and privatization was simply a "turf war" in which the public police were seeking to maintain their privileged position:

> Law enforcement has enjoyed a dominant position in providing protective services to their communities but now foresees an erosion of their "turf" to private security. Extensive interviews with both proprietary and contract security managers have confirmed that this fundamental shift has already occurred through technological substitution for labor, and it is now simply being manifested in more highly visible human resources. This position was succinctly summarized by a leading police and security educator: "If one were to make a big pie of the protection of the wealth, health, and welfare of a community, law enforcement would be a small part of the pie. Law enforcement, which is basically manpower, is now seeing a manpower shift to the private sector. But manpower is a small part of protection resources. A shift of protection resources to the private sector has already happened: cops only see the change in their turf." [1985, p. 172]

Finally, Cunningham and Taylor followed Shearing and Stenning's use of the gerund "policing" to describe the activities of "private security" (Shearing, Farnell, and Stenning 1980; see also South 1988). They thereby accorded the public police "ownership" of the term "police" while at the same time denying that policing was their exclusive preserve. Since the term "policing" was used by Shearing and Stenning to allow analytic consideration of a variety of activities not undertaken by the public police, this linguistic ploy served Hallcrest's privatization

agenda by undermining the privileged position held by the public police within the state-centered framework (1985, p. 167).

Hallcrest's reform agenda has prompted a growing recognition of and respect for private police on the part of public police and has spawned a number of studies, in the United States and elsewhere, to foster the privatization of policing and enhance public-private police cooperation. Marx identifies several forms of cooperation between public and private police agencies: "joint public/private investigations, public agents hiring or delegating authority to private police, private interests hiring public police, new organizational forms in which the distinction between public and private is blurred, and the circulation of personnel between the public and private sectors" (1987, pp. 172–73). For example, within the United States, the Justice Department has recently published a report entitled "Public Policing—Privately Provided" that sets out a framework for greater recourse to the private policing industry for some functions traditionally provided by the public police (Chaiken and Chaiken 1987). The foreword to this report, directed to the police community, makes clear just how far RAND and Hallcrest have reshaped the political agenda since the 1930s with respect to the privatization and distribution of policing:

> Nearly as much money is now paid by governments to private security companies as is spent for public law enforcement by the federal and state governments combined. Many police officers see these rapidly rising expenditures for private security as a disturbing movement towards the privatization of entire city police departments. But the authors of this report feel such concerns are misplaced. Rather, competent police administrators are recognizing the distinctions between functions that can best be performed by sworn police officers and other functions that can more productively be handled by civilians or private firms under contract. . . . The report was prepared to help administrators understand and evaluate the current state of provision of police-related services by private contractors. It gives concrete guidance on the types of police-related tasks that are best suited for contracting with private companies and on the advantages and disadvantages of private contracting. . . . It gives practical advice on the contracting process and gives addresses and telephone numbers of experienced municipal and state administrators you can contact for further advice. [Chaiken and Chaiken 1987, p. iii]

In assisting public police managers to decide which policing functions can be privatized and in developing Hallcrest's equal partner

conception, Chaiken and Chaiken reject the claim that there are some tasks which belong in principle to the public police and cannot be privatized. They reject, for example, the argument that functions requiring the legal status of "peace officer" cannot be privatized.[13] Instead they insist that the division of labor must be determined on pragmatic grounds. They assert that tasks that require a "multiplicity of skills" should remain with the public police because their training equips them for such tasks, and those that do not require a combination of skills can and should be transferred (1987, p. 6). In making this claim these authors at once confirm the principle that there are no theoretical limits to privatization (as training changes, so will what is transferred) and at the same time allay police opposition to privatization by actually advocating the transfer of tasks that public police officers and managers regard as peripheral (see Fixler and Poole [1988] for a discussion of barriers to privatization).

In a second study commissioned by the National Institute of Justice, Reiss (1988) explores the "private employment of public police." This study was prompted by Hallcrest's (Cunningham and Taylor 1985, p. 200) findings that between 20 and 30 percent of all public police personnel were engaged in "off-duty security employment." These officers were hired both by private businesses (as in-house security) and by private police forces (contract security firms). Hallcrest canvassed a variety of concerns related to the employment of off-duty police officers. Perhaps the most controversial was the concern that what was being bought was not simply an employee but state authority and a state-issued license to use physical force (Stenning and Shearing 1979). Reiss develops this point: "There seems little reason to doubt then that public police officers not only bring to private employers greater formal authority but that they enjoy greater informal power as well. As Shearing and Addario have shown, public police are more likely than private security personnel to be regarded as moral protectors. Accordingly, the public police can lay claim to moral as well as legal authority for

[13] The significance of peace-officer status arises because peace officers typically have greater legitimate access to physical force in the preservation of the peace than do ordinary citizens (Stenning and Shearing 1979). Restriction of functions that require peace-officer status to the public police arguably assures that private police do not have special access to physical force. This is symbolically significant, but in defining the legal and political status of private police, it is not of great practical moment as private police have seldom had difficulty getting access to the coercive force available to peace officers through the simple device of "calling the police" (Shearing and Stenning 1982; Shearing 1984).

their actions" (Reiss 1988, p. 75, with reference to Shearing, Stenning, and Addario 1985*b*).

Reiss discovered that, in defending this practice of police moonlighting, chiefs of police drew on the conceptual framework developed by RAND and Hallcrest. They argued that so long as care was taken to ensure that off-duty police officers were being paid to keep the peace, the public was benefiting because off-duty officers were working at private expense to do what the state was required to do anyway (Reiss 1988, pp. 15–24). Reiss explores the extent to which this defense was credible by examining the methods used by public police organizations to ensure that the public interest was being met by off-duty police officers acting privately. He concludes that satisfactory methods of control can exist and argues in support of the employment of off-duty peace officers on the grounds that the private use of such officers contributes to the public good. To facilitate this integration of policing resources, Reiss recommends a contracting system between police departments and private employers to allow for "greater control over private employers and over the officer during off-duty assignment" (1988, p. 77). "If the public police can satisfy a private employer's demand for police services in ways that are both superior to that provided by private security while at the same time increasing the preventive and deterrent capability of the public police, there may be good reasons for organizing to meet at least some of that demand through regular rather than secondary employment of their police officers" (Reiss 1988, p. 80). This statement illustrates just how much "progress" has been made since the 1930s in the acceptance of private guarantors of peace as legitimate features of an integrated structure of public and private policing.

A recent study that advances this idea of an integrated policing structure that fully exploits public and private resources was released by the solicitor general of Canada (Normandeau and Leighton 1990). This report goes beyond the positions adopted by RAND and Hallcrest to recognize that private policing resources are not restricted to specialized security personnel employed as part of private police departments but include anyone,[14] and indeed anything, that contributes

[14] See, e.g., Weiss's (1987*a*) discussion of the importance of union discipline in the declining use of private police at the Ford Motor Company, Shapiro's (1987) analysis of the variety of resources used in "policing trust," and Shearing and Stenning's (1982) analysis of the use of employees as police resources.

to the preservation of the peace.[15] Normandeau and Leighton recommend that Canadian policing policy should encourage "new strategic partnerships" that integrate all the policing capacities available within communities to preserve the peace. Policing, they argue, is a community affair in the sense that it is to the community that governments must look for the resources they require to meet their policing responsibilities (see Stenning [1989] for a view that advocates "equal partnerships" that challenge state dominance in the definition of order). In doing so they are arguing for a system of policing that bears a striking resemblance to the ancient English system of frankpledge that required communities to ensure that the king's peace was maintained and to cooperate with the crown's officials in their efforts to do so (Critchley 1978).

One of the most striking features of this report is that the civil liberties disquiet that had so dominated the earlier twentieth-century debate, and that almost all the contemporary American and European studies recognize, is simply not raised. In so completely ignoring these concerns, the Canadian report goes far beyond either RAND or Hallcrest in silencing the civil liberties arguments that were so prominent within the state-centered framework. This implies a loss of both the relevance of the public/private distinction and the importance of private space as a source of liberty (see Nedelsky 1983). More specifically the implication is that if the community and the state are united as a single integrated system then the need for individuals to protect themselves from the state and from state intrusion falls away. The private becomes the public, and the public the private.

Each of the studies reviewed in this section makes clear just how much the political response to private involvement in policing has altered since the 1950s when the state-centered view was virtually unquestioned. This change, as the 1988 convening by the Council of Europe of a criminological research conference on "privatization of crime control" indicates (e.g., McConville 1988), has not been limited to North America. The laissez-faire conception articulated by RAND two decades ago is now the conventional wisdom underlying the political consciousness that guides the relationship between public and private policing.

[15] For example, as Shearing and Stenning (1984) note, with reference to Disney World, the Disney characters, such as Mickey Mouse, the park attendants, the flower beds, the transportation vehicles, and the organization of the monorail platform are all resources within an integrated policing enterprise.

The Marxist counterpoint to the liberal version of the laissez-faire way of seeing accepts the essential outlines of this position but disputes the conception of the public interest that is put forward. Critical theorists accept that privatization has occurred and has done so under an umbrella of state control. However, they view this as evidence of the continuing evolution of an exploitative state-corporate alliance promoting "selective policing, biased in favour of wealth and power" (Flavel 1973, p. 15; Spitzer 1987). While this position echoes the concerns of state-centered theorists, it does not share their belief in the possibility of a just and fair state within a capitalist society. The privatization of policing, like that of other aspects of criminal justice, is expressed in metaphorical terms as a "widening of the net" of state control in the interests of capital (Cohen 1979).[16] "Thus, 'tiny theaters' of private control supplement the more centralized state apparatus" (Reichman 1987, p. 261). It is argued that, far from enhancing the quality of life as Hallcrest maintained, privatization has had the effect of bringing more and more of daily life under the control of an oppressive capitalist state (Henry 1987*a*, pp. 89–90). Privatization, and more specifically private policing, is an ugly specter, an "unholy alliance," to be resisted (Klare 1975*a*, 1975*b*; Bunyan 1976; Bowden 1978).

What is required instead are democratic forms of policing controlled by local communities. Popular policing should replace that of an exploitative state-corporate apparatus (Turk 1987, pp. 132–36; West 1987). For these theorists a policing structure that arises out of, and responds to, popular interests should be substituted for the public-private policing alliance (Kinsey, Lea, and Young 1986). In promoting this agenda, these scholars have sought to replace the story advanced by RAND and Hallcrest of an evolution of public-private cooperation in the public interest with revisionist histories asserting that the laissez-faire strategy of privatization is just another stage in the ongoing process of mystification that characterizes capitalist social control (Reiner 1985).

Both the state-centered and laissez-faire conceptions are founded on an understanding of the social world as divided into public and private

[16] Philippe Robert observes: "There is no such thing as pure privatization: state action does not disappear. It simply fades into the background in some types of cases, and is combined with various patterns of private management of security. In one sense, privatization does not exist. Private security systems (in-house or contracted out) do not replace public agencies which were previously state-controlled: they are now organs which are added to earlier systems, and are combined with them" (1988, p. 112).

spheres whose boundaries and significance assume the existence of a nation-state that either does, or should, monopolize governance. They both assume a history of conflicts over the sources of governance arising from multiple griths or sanctuaries (Rock 1983) but maintain that this either is, or should be, a thing of the past. The willingness of the laissez-faire framework to accept and countenance privatization and a coordinated system of public and private policing—integrating the activities of state and corporate guarantors of peace to create what O'Toole (1978, p. 227) has termed the "police-industrial complex"—represents a supreme confidence in the existence and persistence of strong nation-states.

III. A Pluralist Perspective

In the course of my analysis of the laissez-faire position, especially as it has been developed by and since Hallcrest, I have drawn attention to the way the reform agenda it embodies contributes to the emergence of a reality that challenges two fundamental assumptions on which the position itself rests. First, the acceptance and promotion of corporate guarantors of order, with their feudal resonances of relatively autonomous nonstate corporate entities, creates a tension within the laissez-faire framework that gestures toward a more fractured conception of policing that denies the state its privileged position. Second, the promotion of an integrated policing system, as my comments on the implications of Normandeau and Leighton's recommendations suggest, undermines the public/private distinction. Within the liberal versions of this framework these tensions are contained both through an assumption of a shared definition of the peace, permitting the coordination of private and state resources, and through a silence with respect to implications for institutions of privacy.

In responding to this conceptual tension a number of scholars have turned to the work of the legal pluralists (see Henry 1983, pp. 47–56; 1987*a*) as well as the poststructuralist linking of discourse and power (Shearing and Stenning 1984; Cohen 1987; Henry 1987*a*), in particular Foucault (1977, 1981), for inspiration in developing ideas about the nature of policing which involve an understanding of power as decentered and embedded in relationships. Waltzer (1983, p. 483, cited in Cohen 1987, p. 378) contrasts the centered and decentered conceptions as follows: "Foucault is concerned not with the dispersion of power to the extremities of the political system but with its exercise in the extremities. For the Americans, power was dispersed to individuals

and groups and then recentralized, that is, brought to bear again at the focal point of sovereignty. For Foucault there is no focal point but an endless network of power relations."[17]

The replacement of the idea of dispersal of a central power with that of fractured or decentered power, harks back to Rudé's "jungle of rival jurisdictions" (cited in Rock 1983, p. 208) that characterized late seventeenth- and early eighteenth-century England and argues that the triumph of the state was not as complete, nor as secure, as has been believed. Thus, Cohen (1987, p. 378) asserts that what Foucault is proposing—in contrast to critical theorists who have sometimes sought to use him to support their state-centered claims—is that "there is no discernible sovereign state to take over or ruling class to replace. The same micro-physics of power can and will reproduce itself in quite different political systems . . . each micro-system is not quite autonomous but it is 'particular' and has to be challenged on its own terms."

By locating policing within the context of autonomous and semiautonomous sources of ordering that, although coupled to the state in a variety of ways, do not express a delegated authority, Shearing and Stenning (1983) have sought to challenge both the state-centered and the laissez-faire conceptions of policing. They have suggested instead a new corporate pluralism in which corporations cooperate and coordinate with each other and the state as relatively autonomous guarantors of peace, as well as secondary orders that build on the foundation order of peace.

In exploring the implications of these ideas for policing, Shearing and Stenning (1983, 1984; Stenning and Shearing 1991) have argued that privatization has prompted a fundamental shift in responsibility for policing, from state to corporate hands, that is challenging state power and redefining state-corporate relationships. They argue that what appears (when viewed from within a way of seeing that privileges the nation-state) as a widening of the net of state control is revealed (when viewed from a pluralist perspective) as a change in the location of power. This shift, they propose, has not only been accompanied by a thinning of the net of control but has brought with it important

[17] This idea is expressed, as Henry (1987*a*, p. 46) indicates, by the legal pluralists: "Modern legal pluralists such as Pospisil (1971) have . . . captured the essence of horizontal plurality with the notion that 'any human . . . does not possess a single legal system, but as many legal systems as there are functioning groups' (Pospisil 1971, p. 98), and that the multiplicity of these systems forms a mosaic of contradictory controls that simultaneously bear on the individual."

changes in the nature of policing as the objectives and capacities of corporate entities have begun to shape the ordering process.

Not surprisingly the order being promoted by corporations through their policing activities is directly related to their interests as competing entities within a capitalist economy (Shearing and Stenning 1981, 1983; Shearing, Stenning, and Addario 1985*c*), a feature of private policing that South (1988) captures in the title of his book *Policing for Profit*. The strategies that result are controlled by the profit motive, are more instrumental than moral (for a qualification, see Stenning et al. 1990; for a critique, see Henry 1987*b*), and are less likely to be performed by specialized police officers. In developing this argument Shearing and Stenning (1984) pointed to Disney World, with its embedded policing strategies which move policing out of the hands of specialized agents, as well as its instrumental focus on prevention rather than moral ordering, as the epitome of the new policing of an emerging "corporate feudalism." Privatization, they argued, involved more than simply a change in the location of a "service" from one set of agents to another. Policing changed as its location changed.

Shearing and Stenning also questioned whether the privatization of policing was driven by the fiscal crisis of the state. Privatization had occurred and was occurring, they claimed, not because of, or not simply because of, a fiscally induced drive by the state to rid itself of costly services but because the corporate environment produced by the emergence of "mass private property" provided corporations with the legal space and economic incentive to do their own policing.

In developing this analysis they accepted Spitzer and Scull's (1977) assertion that a critical reason for state involvement in policing and other social services during earlier periods of the capitalist economy was the "free-rider problem"[18] that discouraged businesses from directly performing community services such as policing. The emergence of "mass private property" had, however, fundamentally altered this cost-benefit equation, now motivating corporations to perform such "services" themselves and to withdraw support from the state as a vehicle for corporations to pool resources in response to the free-rider problem. Ironically, in responding to this new situation, corporations were using the legal institutions of property and privacy guaranteed

[18] If a business organization provides a service that competitors will benefit from but do not contribute toward, it provides them with a "free ride" and puts itself at a competitive disadvantage.

by the state to withdraw support from it. This enhancement of corporate power was challenging traditional conceptions of national sovereignty and the role of the nation-state as the primary guarantor of peace.

Cohen (1987, pp. 376–77) in commenting on this development cautions against its enthusiastic acceptance as a move in the direction of community control. In doing so he raises the specter of a return to decentered power but now equipped with a new disciplinary technology of embedded power:

> In a society in which the power to control is invested not just in the state but in the commercial market, and in particular in the hands of large corporate interests, non-statist forms of decentralization cannot be valued in themselves. Nowhere is this better illustrated than in the growing critical literature on private security. At first sight, what could be better: autonomy from state control, decentralization, no positivist notion of disciplinary measures aimed at the individual soul, control embedded in a structure which appears consensual. But put this into practice, under the sole force of commercialism, and we have all the horrors that Shearing and Stenning describe in their nice analysis of Disneyworld: social control which is ". . . embedded, preventative, subtle, co-operative, and apparently non-coercive and consensual."

While Shearing and Stenning (1984) did not refer specifically to the economic issues of deregulation, the globalization of markets, and the emergence of worldwide corporations, their arguments resonate with claims by economists that these developments mark "the latest stage in the erosion of the autonomy of the nation state" (Stopford and Turner 1985).

In developing these arguments Shearing and Stenning, like Cain (1979), maintained that the theoretical framework used by scholars such as Bittner (1970) to understand policing was too state centered to allow for comprehension of the implications of corporate policing. To adopt a framework that by definition accorded hegemony to the state was to be captured by the state's claims to be the supreme guarantor of order. This conclusion has prompted attempts (e.g., Henry 1987*a*) to develop a conception of policing and, more generally, ordering that is consistent with a view of the social world as "irreducibly and irrevocably pluralistic, split into a multitude of sovereign units and sites of

authority, with no horizontal or vertical order, either in actuality or in potency" (Bauman 1988, p. 799).

These emerging conceptions conjure up an image of a world in which corporate "private governments" exist alongside state governments (Macauley 1986) in an "integral plurality" (Fitzpatrick 1984) of shifting relations and claims with respect to sovereignty that change over both time and terrains. Such an understanding permits a recognition of giant corporations, which compete in a global market, as sites of governance from which assurances of security and order are sought and relied on (Macauley 1986). This is occurring at the same time as the emergence of global markets is challenging the boundaries of states and the very notion of the state as a basis for political organization (Stopford and Turner 1985).

The pluralist conception confronts the laissez-faire position by rejecting the argument that privatization involves no more than a technical transfer of tasks from one service sector to another. Instead it argues that what is taking place, under the guise of privatization, is a fundamental shift in the location of responsibility for guaranteeing and defining the peace from the state to corporate entities. Together with the state, these corporations constitute a field of interpenetrating and loosely coupled entities that negotiate territories and spheres of autonomy (Macauley 1986). Pluralists dispute a conception of the political and legal spheres as organized vertically with the state at the apex. In its place they suggest a more horizontally organized sphere of linked but autonomous entities with mutual claims over each other, characterized by considerable fluidity and flux (Rock 1983, p. 193; Henry 1987*a*). Corporate entities, including the state, operate in each other's shadows and in each other's rooms, but no room or shadow is, in principle, more significant than any other (Galanter 1981).

This position identifies policing as a generic function that is not the property of the state (Cain 1979). It accepts that the state is one guarantor of order among others, albeit the primary—though not the exclusive—guarantor of peace for much of the past century. Viewed from within this conception, the centralization of policing that the state-centered view expressed and helped create may simply be a transitional stage from one decentered corporate-based system to another. Pluralism, thus, suggests that we accept Cohen's (1987, p. 378) advice and take decentralization very seriously indeed.

If the pluralist position is correct, the emerging landscape of fractured sovereignty raises fundamental questions about what response

should be adopted to this globalization and privatization of policing and governance more generally. Scholars who take the pluralist arguments seriously have expressed an ambivalent response. They are inclined to welcome the shift in governance from the state to the community on the grounds that it enhances local control and autonomy. They are concerned, however, about the emergence of corporate "communities" in which corporations act as private governments with enormous power over their "citizens" (Shearing and Stenning 1982). Cohen (1987, pp. 376–77) captures this ambivalence:

> I would recommend a cautious reaffirmation of the values behind decentralized community control—"cautious" for these do not seem to me absolute values which cancel out all others. And instead of abolition—which is unrealistic—I would advocate attrition: a gradual wearing away of the criminal law, by a process of benign neglect, until it is only used when there is genuinely no alternative. . . . Of course the problem with Disneyworld (and similar examples of shopping complexes, condominium estates and the other "feudal-like domains". . .) is that they represent only a part of the community package. They require no knowledge of the individual, they are authoritarian, and they are not informed by any progressive ideology. These points are obvious—we all understand why Disneyworld is different from a kibbutz—but to be fair to the community vision, we have to take the whole package together and not judge the results of the component parts.

A response that is less ambiguous will require, as Cohen suggests, the more adequate development of a theoretical understanding of power that moves decisively beyond conceptions that take a strong state for granted and accepts the Foucauldian insight that "the king's head has long been cut off; [that] power is not wielded by a single subject, [and that] there is no central source of command, no practical center of political life" (Cohen 1987, p. 378). It is just such a theory that the pluralists are endeavoring to create.

IV. Conclusion

Just what the emerging decentralized world will look like remains uncertain. This uncertainty is reflected in the contemporary use of the prefix "post" to refer to the "post-modern" age. We are a lot clearer about where we have come from than where we are going.

Policing, because it lies at the heart of any order, however, provides

a dark glass through which we may be able to catch glimpses of the shape of the world we are tumbling toward. What this peep through the prism of policing reveals is that the emerging social world is unlikely to be one in which governance is monopolized by states. Perhaps as Cohen suggests governance will rest more directly in the hands of local communities. The fear is that the reality might be pervasive and intrusive corporate governance in which the interests of capital are more directly pursued than state-centered theories of capitalism ever dreamed was possible. While the state might wither away this may not mean a lessening of the domination of capital interests (O'Toole 1978; Shearing and Stenning 1983, 1984). If this fear is realized, the political realm will be one in which economy infuses governance more completely than even the most instrumental Marxist theorists have proposed. In such a world definitions of the public interest and the peace will mirror the interests of corporate governments.

Whatever the nature of government, the strategies of governance will likely reflect the capacities of the new governing entities. If the Foucauldian analysis is any guide, force will not be the primary means of policing or ordering more generally (Shearing and Stenning 1984). The hope of "visionary politics" (Cohen 1987, p. 379) is that this might mean more consensually based local control processes; the "realpolitik" fear is that corporate access to information about most aspects of our lives—through the use of computer matching, "computers as informant," and the like—will "routinize the discovery of secrets" (Marx and Reichman 1987) in ways that will eliminate privacy and with it opportunities for resistance (Reiss 1984, 1987). If this fear is realized, a "Brave New World" of unseen, embedded, and pervasive control that eliminates autonomy and privacy may well become our everyday reality (Shearing and Stenning 1984). The net will be widened and thinned, but those fishing will not be exclusively state officials.

What happens will in part be a consequence of emerging material, structural conditions (Spitzer and Scull 1977, 1980), but it will also be a product of the agency of people responding to, and acting within, these structures and the "tiny theaters" of power they make possible. This response will depend on the sensibilities that shape their actions (Garland 1990; Shearing and Ericson 1991). These sensibilities, and the voices they make possible, are the sites of struggle, and it is this struggle that will shape the world we are entering (Petchesky 1987; Weedon 1987). This struggle over political consciousness takes place, as this essay has sought to illustrate, on and through a terrain of dis-

course (Ericson 1987) that establishes ways of seeing and being that prompt action (Gusfield 1981, 1989; Shearing and Ericson 1991). Much of this terrain is hidden and implicit (Foucault 1977; Bourdieu 1984; White 1984), but much of it—Foucault's comments in *Discipline and Punish* (1977) about our world being a society of surveillance and not of spectacle notwithstanding—will take place through highly visible spectacles (Geertz 1973; Bourdieu 1977; Mathiesen 1987; Petchesky 1987; Edelman 1988; Stenning et al. 1990). Contemporary society is more like the world of the Greeks than Foucault in his "more inflated rhetoric" (Garland 1990, p. 146) would have us believe (Barthes 1972; White 1984). We are in the "panoptic machine," but we are also very much "in the amphitheatre" and "on the stage" (Mathiesen 1987, pp. 59–60).

Discourse, in both its spectacular and nonspectacular forms, has as its focus the "soul" as "the seat of the habits" (Foucault cited in Garland 1990, p. 143; Stenning et al. 1990). The battle between visionary and "realpolitik" versions of pluralism will be fought on the terrain of the "soul." It is in the "poetic logic" and figurative imagery of language (White 1984; Shearing and Ericson 1991) that the future shape of governance will be settled. In this essay I have sought to show how the state-centered and laissez-faire discourses have shaped policing. I have also introduced the burgeoning pluralist discourse and suggested how it is contributing to the emerging public debate over the location of governance. The pluralist perspective provides an alternate way of seeing that, at present, remains on the edges of public debate but will probably move closer to the center as the reform agendas of the laissez-faire conception work to establish the world the pluralist conception is "discovering." Pluralist reform agendas are already beginning to shape political consciousness.

The future scholarly task this essay has identified is the examination of this process through an analysis of how the ways of seeing and the voices of the post-laissez-faire world contest with older meanings, and with each other, through the various logics and mediums available within the contemporary world (Bourdieu 1977, 1984; Foucault 1981). One of the conceptual implications of the pluralist view—to be watched closely, because it challenges the most fundamental premises of both the state-centered and the laissez-faire ways of seeing—is the blurring of the distinction between public and private realms (Rose 1987) and public and private authorities as the state loses its focal position. What we recognize now as a blurring may prove in retrospect

to be the earliest stages of a very different conception of social space in which the public realm may come to be equated with the corporate realm. Such a development may well have implications far beyond policing.

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